



S/N 09/308,830

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---|-----------------|-------------|
| Applicant: | SCHLIEVERT ET AL. | Examiner: | R. ZEMAN |
| Serial No.: | 09/308,830 | Group Art Unit: | 1645 |
| Filed: | AUGUST 4, 1999 | Docket No.: | 600.346USWO |
| Title: | MUTANTS OF STREPTOCOCCAL TOXIN A AND METHODS OF USE | | |

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Box Sequence, Commissioner for Patents, Washington, D.C. 20231 on March 21, 2002.

By:

Name:

Kristine A. Liach
Kristine A. Liach

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APR 09 2002

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RESPONSE TO NOTICE TO COMPLY AND
CERTIFICATE REGARDING SEQUENCE LISTING

Box Sequence
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is being filed in response to the Examiner's communication mailed December 21, 2001. In response to the Notice to Comply and in accordance with the requirements of 37 C.F.R. § 1.821 - § 1.825, Applicants enclose herewith a substitute computer readable form of the Sequence Listing. In addition, a paper copy of the substitute Sequence Listing is also provided. Please insert the substitute paper copy into the file. Applicants state that the substitute paper copy of the Sequence Listing of the present application and the computer readable form submitted herewith are the same. Applicants hereby state that the substitute computer readable form and the paper copy of the Sequence Listing enclosed do not include new matter.

Figure 3

The Examiner indicated in the Notice to Comply that Figure 3 includes three sequences. This is incorrect. Figure 3 includes a polynucleotide sequence and a polypeptide sequence that it encodes. The polypeptide and polynucleotide sequences are unambiguous and cannot be

confused. These sequences are identified in the Brief Description of the Figures and need not be identified on the figure.

Pursuant to the Examiner's request, also enclosed is a copy of the Notice to Comply with the sequence listing rules.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
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Date: March 21, 2002

Mark T. Skoog
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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Figure 3 contains sequences without the requisite accompanying SEQ ID NOs. While SEQ ID NOs are included in the Brief Description of said Figure, it is unclear to which what SEQ ID NOs apply since there appear to be 3 sequences present in said Figure.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

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